

09-27-04

3764



Practitioner's Docket No.: 100_007 CIP-RCE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Dwayne Lacey

Ser. No.: 09/935,297

Group Art Unit: 3764

Filed: August 22, 2001

Examiner: DeMille, D.

Confirmation No.: 9672

For: HEAD MASSAGING DEVICE

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 24, 2004 under "EXPRESS MAIL" mailing label number EV 53917 4641 US.

Janet M. Stevens
Janet M. Stevens

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)**

Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed May 24, 2004, finally rejecting claims 1-4 and 6-33.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 330.00.

Extension of Term

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and appropriate non-small-entity fee are as follows:

<input checked="" type="checkbox"/> One Month (37 CFR 1.17(a)(1))	\$ 110.00
<input type="checkbox"/> Two Months (37 CFR 1.17(a)(2))	\$ 420.00
<input type="checkbox"/> Three Months (37 CFR 1.17(a)(3))	\$ 950.00

Extension Fee Due \$ 110.00.

Total Fees Due (Notice of Appeal and Extension of Time) \$ 440.00.

09/28/2004 HAL111 00000001 09935297

01 FC:2251
02 FC:2401

55.00 OP
165.00 OP

Status of Applicant

Applicant claims small entity status. See 37 CFR 1.27.
Therefore, the fee shown above is reduced by half, and the
resulting fee is: \$ 220.00.

Fee Payment

Enclosed is a check in the amount of \$220.00.
 Charge Deposit Account No. 50-1446 in the amount of \$_____.
 The Commissioner is hereby authorized to charge any fees which may be required, or credit any
overpayment, to Deposit Account No. 50-1446. Enclosed is a duplicate copy of this sheet.

Respectfully submitted,



Kevin C. Brown
Reg. No. 32,402

KCB:jms

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320